

1 Rod D. Margo (State Bar No.: 097706)  
2 Jennifer J. Johnston (State Bar No.: 125737)  
3 CONDON & FORSYTH LLP  
4 1901 Avenue of the Stars, Suite 850  
5 Los Angeles, California 90067-6010  
Telephone: (310) 537-2030  
Facsimile: (310) 537-1299  
Email: rmargo@condonlaw.com  
Email: jjjohnston@condonlaw.com

6 Attorneys for *Specially Appearing Defendant*  
7 BUMBO (PTY) LTD.

8  
9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA

11 WENDY D. WHITSON, etc., et al.

) Case No. CV-07-5597 MHP

12 Plaintiff,

DECLARATION OF ANTOINETTE  
WAGENAAR IN SUPPORT OF  
BUMBO (PTY) LTD.'S AMENDED  
MOTION TO QUASH SERVICE  
AND DISMISS FOR  
INSUFFICIENT SERVICE OF  
PROCESS AND LACK OF  
PERSONAL JURISDICTION

13 vs.

14 BUMBO, et al.,

15 Defendants.

16  
17 Date: March 24, 2008  
Time: 2:00 p.m.  
Place: Courtroom of the Hon.  
18 Marilyn Hall Patel

19 I, Antoinette Wagenaar, declare:

20 1. I am a Director of Bumbo (Pty) Ltd. This declaration is submitted in  
21 support of Bumbo (Pty) Ltd.'s *amended* motion to quash service and dismiss for  
22 insufficient service of process and lack of personal jurisdiction. I have personal  
23 knowledge of the facts attested to in this declaration, except for those facts stated  
24 upon information and belief, and, as to those facts, I believe them to be true. If  
25 called upon to do so, I could and would competently testify to all matters contained  
26 herein.

27 2. Bumbo (Pty) Ltd. is a private company which has been organized

28  
29 DECLARATION OF ANTOINETTE WAGENAAR IN  
SUPPORT OF BUMBO (PTY) LTD.'S AMENDED MOTION TO  
QUASH SERVICE AND DISMISS

CONDON & FORSYTHE LLP  
901 Avenue of the Stars, Suite 3900  
Los Angeles, California 90067-4010  
Telephone: (213) 557-2030

1 under the laws of South Africa and has its principal place of business in Pretoria,  
2 South Africa.

3 3. Bumbo (Pty) Ltd.'s one and only manufacturing plant and its  
4 corporate headquarters/registered office are located in Pretoria, South Africa.

5 4. All employees of Bumbo (Pty) Ltd. are employed at its manufacturing  
6 plant or corporate headquarters/registered office in Pretoria, South Africa.

7 5. I am employed at Bumbo (Pty) Ltd.'s corporate  
8 headquarters/registered office at 212 Hardy Muller Street, Rosslyn 0200, Gauteng,  
9 South Africa.

10 6. On January 25, 2008, I was informed than an unknown person was in  
11 our reception area attempting to deliver a package.

12 7. I was handed the package but did not sign any documentation for the  
13 unknown person acknowledging that I had received said package.

14 8. I am informed and believe that the person who delivered the package  
15 did not introduce or identify himself.

16 9. I am informed and believe that the person who delivered the package  
17 did not identify himself as a Sheriff.

18 10. I am informed and believe that the person who delivered the package  
19 did not explain the nature and contents of the package.

20 11. A letter from plaintiff's counsel, Jeremy R. Fietz, Esq., to Mr. Neil  
21 Thuynsma dated January 18, 2008, accompanied the package. This letter stated  
22 that the package had been delivered to Mr. Thuynsma via DHL International.

23 12. The unknown person delivering the package allowed us to make a  
24 copy of this letter. On the front of my copy of the letter, I wrote notes regarding  
25 the delivery of this package for my file. A true and correct copy of my copy of this  
26 letter is attached hereto as Exhibit "A."

27 13. I do not know, nor had I ever heard the name "Neil Thuynsma,"

28  
  
DECLARATION OF ANNETTE WAGENAR IN  
SUPPORT OF BUMBO (PTY) LTD.'S AMENDED MOTION TO  
QUASH SERVICE AND DISMISS

before reading the letter attached as Exhibit "A."

14. Only after I opened the package did I discover that it contained a  
summons, complaint and reassignment order in the above-captioned action.

I declare under penalty of perjury under the laws of the United States of  
America that the foregoing is true and correct.

Executed this 11 day of February, 2008 at Pratceia, South Africa,

Antoinette Wagenaar

LONDON & FORSYTH LLP  
1801 Avenue of the Stars, Suite 800  
Los Angeles, California 90067-0910  
Telephone: (40) 557-2030

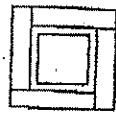
DECLARATION OF ANTOINETTE WAGENAAR IN  
SUPPORT OF BUMBO (PTY) LTD.'S AMENDED MOTION TO  
QUASH SERVICE AND DISMISS

# **EXHIBIT A**

To: J Klapper (02)0865100614 A 1/2  
 Date: 25 Jan 2008  
 (18) Pages

ATTORNEYS

DONALD S. EDGAR  
 JEREMY IL PIETZ  
 REX GRADY  
 E-Mail  
 don@edgarattorneys.com  
 jeremy@edgarattorneys.com  
 rbg@edgarattorneys.com

**EDGAR LAW FIRM**

## ATTORNEYS AND COUNSELORS AT LAW

400 COLLEGE AVENUE  
 SANTA ROSA, CALIFORNIA 95401  
 Phone (707) 545-5200 • Facsimile (707) 578-5040

LEGAL ASSISTANTS

SERENA A. LA RUE  
 SUSAN SCHWEGMAN  
 E-Mail  
 salrue@edgarattorneys.com  
 susie@edgarattorneys.com

January 18, 2008

Via DHL International Courier

Neil Thuynsma  
 275 Memosa Street  
 Blackheath  
 Johannesburg 2118  
 Republic of South Africa  
 Mobile # 011 27 82 924 2203

Re: Service of Bumbo

Delivered  
 Received by Hand  
 A. Abeyandaw  
 All day Fri 25 Jan 2008  
 12:00

Dear Mr. Thuynsma:

We hope this correspondence finds you well. Thank you for assisting us with the service of legal papers in South Africa.

Enclosed please find for service several packages of documents regarding the cases *Lamm v. Bumbo* and *Whitson v. Bumbo*. Also enclosed please find a check in the amount of \$500 (U.S. Dollars) for your time and services. Please serve the materials at your absolute earliest convenience.

**Lamm v. Bumbo**

- 1) Summons
- 2) Complaint
- 3) Reassignment Order

**Whitson v. Bumbo**

- 1) Summons
- 2) Complaint
- 3) Order Setting CMC deadlines

The entity we need served in each case is "Bumbo (Pty) LTD.

Their address is:

212 Hardy Muller Street, Rosslyn  
 PO Box 3081 Rosslyn 0200  
 Gauteng, South Africa.

A z/z

The directions to their facility and office are listed on their website as:

**Corner of Hardie Muller & Frans du Toit in Roslyn Industrial, Pretoria**

**From Johannesburg Airport you travel North on the R21 (to Pretoria) until you get to the N1 North Turnoff – 30km**

**Drive until you reach the Zambezi Off ramp, then turn left into Zambezi Rylaan – ± 15km**

**Drive until you get to Lavender Road (T-Junction) - ±5km and then turn Right into Lavender road until you get to the Rosslyn turnoff ± 1km**

**Go straight on the Roslyn road until you get to Hardie Muller street - ±5km**

**Turn left in Hardie Muller Street and drive on straight and cross Frans du Toit street**

**Please go to the location described above, find an office setting and provide the enclosed documents to someone there. Please ask for the individual's name and title/position at the company. It is fine if it is simply the receptionist. Please make a note of the date, time, and person served, and provide that to us as soon as possible. We will then prepare a proof of service for your signature.**

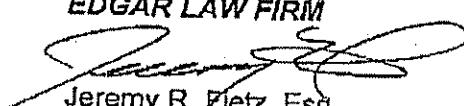
**Please serve the documents as soon as possible.**

**If you have any questions you may contact the undersigned at 707-236-0088 at any time. You may contact us, and provide the service information to us, by email at: jeremy@classattorneys.com**

**We greatly appreciate your assistance in this matter.**

**Very truly yours,**

**EDGAR LAW FIRM**

  
**Jeremy R. Pietz, Esq.**

**Encl.**

**DATE: 25/11/2008**

**TIME:**

**NAME:**

**SIGNATURE:**